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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,914	06/28/2001	Dina Katsir	216-028B	5885

7590

09/17/2002

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EXAMINER

STEIN, STEPHEN J

ART UNIT

PAPER NUMBER

1775

DATE MAILED: 09/17/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/893,914

Applicant(s) **3**

KATSIR ET AL.

Examiner

Stephen J Stein

Art Unit

1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 29-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 29-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Specification*

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification fails to provide antecedent basis for the claimed limitation in claims 43 and 44 "said dielectric coating includes a plurality of regions of a first morphology embedded in a continuous layer of a second morphology".

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 29-37 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added limitation "non-anodized" is new matter.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 33-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. Claim 33 recites the limitation "An anodized electrode comprising the article of manufacturing of claim 29". This limitation makes the claim indefinite because claim 29 recites that the article is "non-oxidized".

7. Claims 34-44 recite the limitation "bimodal morphology". This limitation makes the claims indefinite because it is unclear as to what aspect of the dielectric coating has a bimodal morphology and fails to teach how this property is achieved. Are applicants referring to the distribution of the surface effects on the dielectric coating?

8. Claims 43 and 44 recite the limitation "said dielectric coating includes a plurality of regions of a first morphology embedded in a continuous layer of a second morphology". This limitation makes the claims indefinite because it is unclear as to what morphology is being embedded in what other morphology. Further, applicants' specification fails to even recite this characteristic or explain how it is achieved.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

10. Claims 29 and 31-44 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 5,822,177 (Popp et al.).

Popp teaches an electrolytic capacitor comprising an electrode of an aluminum metal anode foil and a dielectric layer of aluminum oxide on formed on the aluminum anode foil (col.

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1, lines 15-25). Popp further teaches that the electrode has a fractal surface coating (col. 2, lines 38-57). Popp still further teaches that the anode foil has perforations (discontinuous) which provide good electrical contact between the electrolyte and the anode foil (col. 7, lines 3-5). The reference finally teaches that the capacitor has a cathode contact (second valve metal layer) which may be made of aluminum.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Popp et al.

As stated above, Popp teaches an electrolytic capacitor comprising an electrode of an aluminum metal anode foil and a dielectric layer of aluminum oxide on formed on the aluminum anode foil and that the with has a fractal surface coating, but fails to disclose any length of the fractal surface effects. Absent a showing of criticality with respect to the size of the surface effects, it is within the ordinary skill of one in the art to optimize the size of the fractals through routine experimentation. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

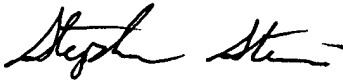
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*Conclusion*

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Stein whose telephone number is (703) 305-0583. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m. If the attempts to reach the examiner are unsuccessful, the examiner's supervisor, Deborah Jones be reached by dialing (703) 308-3822.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose phone number is (703) 308-0661. The fax phone number for this group is (703) 872-9310 for non-final responses and (703) 872-9311 for after final responses.

September 10, 2002



Stephen J. Stein

  
DEBORAH JONES  
SUPERVISOR/STUDENT EXAMINER

**WEST**

## The Contents of Case 09893914

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Qnum	Query	DB Name	Thesaurus	Operator	Plural
Q1	(anode or electrode or capacitor) near50 fractal	USPT	None	ADJ	YES
Q2	(anode or electrode or capacitor) near50 fractal	JPAB	None	ADJ	YES
Q3	(anode or electrode or capacitor) near50 fractal	DWPI	None	ADJ	YES
Q4	Q1 and (alumium oxide or alumina)	USPT	None	ADJ	YES
Q5	Q1 and bimodal	USPT	None	ADJ	YES
Q6	Q1 and morphology	USPT	None	ADJ	YES
Q7	(anode or anodized or capacitor) nea20 bimodal morphology	USPT	None	ADJ	YES
Q8	(anode or anodized or capacitor) near20 bimodal morphology	USPT	None	ADJ	YES
Q9	bimodal morphology	USPT	None	ADJ	YES
Q10	bimodal near10 fractals	USPT	None	ADJ	YES
Q11	bimodal near20 fractals	USPT	None	ADJ	YES

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